

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 329 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

HIMMATSINGH G PADHIAR & OTHERS

Versus

STATE OF GUJARAT & OTHERS

Appearance:

MR IS SUPEHIA for Petitioners
MR BR GAJJAR, for MR SP HASURKAR, Solicitor for
Government for Respondent No.1.
NOTICE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 25/04/2000

ORAL JUDGEMENT

I have heard Mr. I.S.Supehia, learned counsel
appearing on behalf of the petitioners and Ms.B.R.Gjjar,
learned Assistant Government Pleader for Mr.S.P.Hasurkar,

learned Solicitor for Government representing the respondents. Learned Counsel for the petitioners submitted that inspite of efforts, he could not contract the petitioners and the petitioners are also not taking any information about the case from him.

It appears that the case is pending since 1988 and interim order was passed on 11th April, 1988 directing the petitioners to give undertaking to the effect that in case Dearness Allowance is paid on the Special Pay, the same may be realised from the pensionary benefits of the employees concerned and accordingly, undertaking was also given. Thereafter the matter is not persuaded. Learned counsel for the petitioners submitted that the case may be disposed of as it is very old one with a permission to the petitioners to approach the court afresh, if they are still aggrieved by the decision of the Government. I am of the view that since the matter is pending for a long time and the petitioners are not taking interest, the matter should be disposed of. Accordingly, the writ petition is disposed of with a liberty to the petitioners to approach the court afresh, if they are still aggrieved by the decision of the Government. Rule is discharged. Interim relief granted earlier stands vacated. I make no order as to costs.

Date:25/4/2000. (P.K.SARKAR, J.)
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